

Assembly Bill No. 1123

CHAPTER 137

An act to amend Sections 22351.5 and 22358 of the Business and Professions Code, relating to professions and vocations.

[Approved by Governor August 5, 2009. Filed with
Secretary of State August 6, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1123, Davis. Professions and vocations: process servers: registration.

Existing law, the violation of which is a crime, requires specified natural persons, corporations, and partnerships to register, in the county in which they reside or in which their principal place of business is located, a certificate of registration as a process server. Existing law also requires a registrant, upon initial filing, to submit to a fingerprint check to verify that the registrant has not been convicted of a felony, and specifies procedures for revoking or suspending a certificate of registration.

This bill would require a registrant to submit to the fingerprint check also upon renewal of a lapsed certificate of registration. Because the bill would impose additional requirements on process servers, the violation of which would be a crime, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 22351.5 of the Business and Professions Code is amended to read:

22351.5. (a) At the time of filing an initial certificate of registration or renewing a certificate of registration that has lapsed, the registrant shall also submit a completed Request for Live Scan form confirming fingerprint submission to the Department of Justice and the Federal Bureau of Investigation, in order to verify that the registrant has not been convicted of a felony. The clerk shall utilize the Subsequent Arrest Notification Contract provided by the Department of Justice for notifications subsequent to the initial certificate of registration.

(b) If, after receiving the results of the Request for Live Scan, the clerk is advised that the registrant has been convicted of a felony, the presiding judge of the superior court of the county in which the certificate of

registration is maintained is authorized to review the criminal record and, unless the registrant is able to produce a copy of a certificate of rehabilitation, expungement, or pardon, as specified in paragraph (2) of subdivision (a) of Section 22351, notify the registrant that the registration is revoked. An order to show cause for contempt may be issued and served upon any person who fails to surrender a registered process server identification card after a notice of revocation.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.